IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 2ND JANUARY 2006 / 12TH POUSHA, 1928

Crl.MC.No. 3938 of 2006()

CRIME NO. 35/2006 OF UDAYAMPEROOR POLICE STATION

PETITIONER:

THOMAS PAIVA S/O.JOSEPH PAIVA,
RESIDING AT PADANNAPARAMBIL, PONNARIMANGALAM,
MULAVUKAD VILLAGE, ERNAKULAM.

BY ADV. SRI.P.R.JAYAKRISHNAN
SRI.A.BIJU MANOHAR

RESPONDENTS:

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1. S.I.OF POLICE, UDAYAMPEROOR.

2. SURESH BABU, FATHER'S NAME NOT KNOWN,
AGED ABOUT 50, KANAKATH VEETTIL,
CHITTOOR ROAD, ERNAKULAM VILLAGE, ERNAKULAM DIST.

3. DEPPA BABU, D/O.SURESH BABU,
KANAKKATH VEETTIL, CHITTOOR ROAD,
ERNAKULAM VILLAGE, ERNAKULAM DISTRICT.

4. SUB REGISTRAR, ERNAKULAM,
ERNAKULAM DISTRICT.

5. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SMT.C.V.RAJALAKSHMI
R1 & 5 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 02/01/2007, THE COURT ON 02/01/2006 PASSED THE FOLLOWING:

R. BASANT, J.

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Crl. M.C. No. 3938 of 2006

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Dated this the 2nd day of January, 2007

O R D E R

The petitioner claims to be a lover in distress. The third respondent herein and the petitioner were allegedly in love. They had gone away and had allegedly spent some time together. A crime was registered under the caption "woman missing". The third respondent was traced later and was produced before the learned Magistrate. She asserted that she wanted to live with the petitioner. The learned Magistrate was not satisfied that that decision/preference was after informed consideration. The learned Magistrate in these circumstances allowed the third respondent to proceed with her father, the 2nd respondent herein. The 2nd respondent was directed to appear again along with the third respondent on a later date, i.e. on 25.1.2007. That order was passed on 25.10.2006. The petitioner has come to this court claiming to be aggrieved by that order dt.25.10.2006.

2. This Crl.M.C. was admitted. Notice was ordered to the respondents. Respondents 2 and 3 entered appearance. There were

discussions about the possibility of a harmonious settlement. The petitioner and the third respondent along with their counsel were seen by me in my Chamber on two occasions.

3. It is now evident that the third respondent does not want to go with the petitioner, though the petitioner expressed his willingness to take her with him if she is willing. After discussions it is agreed that the proceedings initiated can now be closed and the third respondent can be permitted to remain with the 2nd respondent as chosen by her unambiguously before me.

4. This Crl.M.C. is, in these circumstances, dismissed. The impugned order is upheld. As jointly requested by both counsel, I am satisfied that the trauma of further appearing before the learned Magistrate can now be avoided and the learned Magistrate can be directed to close the proceedings.

(R. BASANT)
Judge

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